

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ANGELA WEISGARBER,

Plaintiff,

v.

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

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No. 3:16-CV-100-JRG-HBG

ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and the Standing Order 13-02.

Now before the Court is the Plaintiff's Statement to Show Cause [Doc. 7] filed on June 20, 2016. This Court previously ordered [Doc. 6] the Plaintiff to show good cause as to why the undersigned should not recommend to the District Court that this case be dismissed without prejudice for failure to perfect service within the 90-day deadline set forth in Federal Rule of Civil Procedure 4(m). In her response, Plaintiff's counsel explains that she did not see the Notice of Electronic Filing in her email when the Summons was issued. Plaintiff's counsel requests leave of Court to perfect service immediately.

Pursuant to Federal Rule of Civil Procedure 4(m), "if a defendant is not served within 90 days after the complaint is filed, the court . . . must dismiss the action without prejudice against that defendant or order that service be made within a specified time." However, if a plaintiff has shown good cause for failing to meet the deadline, "the court must extend the time for service for an appropriate period." Id. Here, the Court finds that good cause has been shown for the Plaintiff's failure to meet the 90-day deadline.

Accordingly, the Plaintiff's request for an extension of time [**Doc. 7**] is **GRANTED**. The Court **ORDERS** Plaintiff to effectuate service of the Complaint pursuant to Federal Rule of Civil Procedure 4(i) within thirty days (30) of this Order. Should service not be perfected on or before **July 22, 2016**, the Court will recommend to the District Court that this matter be dismissed without prejudice. No further extensions of time to effectuate service will be granted in this case.

IT IS SO ORDERED.

ENTER:


United States Magistrate Judge